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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,047	11/17/2003	Gregory S. Lehr	WMO 3E2B	4282

23581 7590 03/20/2007

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EXAMINER	
SELLS, JAMES D	
ART UNIT	PAPER NUMBER
1734	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,047	LEHR ET AL.	
	Examiner	Art Unit	
	James Sells	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 24-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 24-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-18 and 24-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Patent 3,737,365) in view of Simmons, Jr. (US Patent 5,286,545).

Regarding claim 1, Smith teaches a method of making composite inlay design products. The process disclosed by Smith includes the steps of:

cutting an aperture out of a first laminate sheet (e.g. col. 3, lines 60-64);

cutting a congruent insert from a second laminate sheet to be placed in the aperture of the first laminate sheet (e.g. col. 3, lines 60-64);

placing a congruent insert in the aperture of the first laminate sheet (e.g. col. 3, lines 68-72);

securing the congruent insert in place in the aperture of the first laminate sheet (e.g. col. 5, lines 40-46);

placing the first laminate sheet with the congruent insert secured in the aperture of the first laminate sheet over a core structure (e.g. col. 5, lines 52-54); and

laminating the first laminate sheet and the congruent insert secured in the aperture of the first laminate sheet to the core structure (e.g. col. 5, lines 52-54).

Smith discloses that the first and second sheet may be made of wood and the lamination is carried out in a conventional manner (col. 5, lines 53-54) but does not disclose the use of heat and pressure.

Simmons, Jr. discloses laminating wooden composites with the use of heat and pressure to permanently secure adjacent sheets together (e.g. abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the wood sheet of Smith to the core structure using heat and pressure as disclosed by Simmons, Jr. in order to permanently secure the layers together.

Regarding claims 2-3, Smith discloses employing different types of wood for different sheets. For example, sheet 16 may be made of light oak while sheet 17 may be walnut or other dark wood (e.g. col. 3, lines 58-63).

Regarding claims 4-5, it is the examiner's position that different types of wood, such as oak and walnut, inherently have different surface properties including different coefficient's of friction.

Regarding claim 6, Smith discloses employing the same cutting method to cut the congruent inserts and the laminate sheet materials (e.g. Figs. 4-6 and col. 4, lines 9-35).

Regarding claim 7, Smith employs a die cutter to cut the materials in a die cut operation (e.g. col. 4, lines 36-51).

Regarding claim 8, it is the examiner's position that various polymeric sheet materials, including polyethylene, polystyrene, polypropylene and polyvinylchloride, are well known and conventional in the art. These polymers inherently have good

compatibility with other materials as well as good color and texture characteristics. For these reasons, it would have been obvious to one having ordinary skill in the art at the time of the invention to employ such polymeric materials in the method of Smith in view of Simmons, Jr. described above.

Regarding claim 9, Smith discloses employing tape strips 58 adhered across the pattern of discrete members to retain the composite design (e.g. col. 5, lines 40-46).

Regarding claim 10, Simmons, Jr. discloses employing heated bonding rolls (i.e. roll-press laminating device) 13 to bond the materials together.). It would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the wood sheet of Smith to the core structure using heat and pressure as disclosed by Simmons, Jr. in order to permanently secure the layers together.

Regarding claim 11, Smith teaches a method of making composite inlay design products. The process disclosed by Smith includes the steps of:

cutting an aperture out of a first laminate sheet creating a first insert (e.g. col. 3, line 60 through col. 4, line 8);

cutting a congruent insert from a second laminate sheet to be placed in the aperture of the first laminate sheet leaving an aperture in the second sheet (e.g. col. 3, line 60 through col. 4, line 8);

placing the first insert in the aperture of the first laminate sheet (e.g. col. 3, lines 68-72);

securing the congruent insert in place in the aperture of the second laminate sheet and placing the congruent second insert in the aperture of the first laminate sheet (e.g. col. 5, lines 40-46);

placing the first laminate sheet with the second congruent insert secured in the aperture of the first laminate sheet over a core structure and placing the second laminate sheet with the first insert secured in the second inlay aperture over a second core structure (e.g. col. 5, lines 52-54 and 61-63); and

laminating the first laminate sheet and the congruent insert secured in the aperture of the first laminate sheet to the core structure and laminating the second laminate sheet and the first insert to the second core structure using heat and pressure(e.g. col. 5, lines 52-54 and 61-63).

Smith discloses that the first and second sheet may be made of wood and the lamination is carried out in a conventional manner (col. 5, lines 53-54) but does not disclose the use of heat and pressure.

Simmons, Jr. discloses laminating wooden composites with the use of heat and pressure to permanently secure adjacent sheets together (e.g. abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the wood sheet of Smith to the core structure using heat and pressure as disclosed by Simmons, Jr. in order to permanently secure the layers together.

Regarding claims 12-13, Smith discloses employing different types of wood for different sheets. For example, sheet 16 may be made of light oak while sheet 17 may be walnut or other dark wood (e.g. col. 3, lines 58-63).

Regarding claims 14-15, it is the examiner's position that different types of wood, such as oak and walnut, inherently have different surface properties including different coefficient's of friction.

Regarding claim 16, Smith discloses employing the same cutting method to cut the congruent inserts and the laminate sheet materials (e.g. Figs. 4-6 and col. 4, lines 9-35).

Regarding claim 17, Smith employs a die cutter to cut the materials in a die cut operation (e.g. col. 4, lines 36-51).

Regarding claim 18, it is the examiner's position that various polymeric sheet materials, including polyethylene, polystyrene, polypropylene and polyvinylchloride, are well known and conventional in the art. These polymers inherently have good compatibility with other materials as well as good color and texture characteristics. For these reasons, it would have been obvious to one having ordinary skill in the art at the time of the invention to employ such polymeric materials in the method of Smith in view of Simmons, Jr. described above.

Regarding claim 24, Smith teaches a method of making composite inlay design products. The process disclosed by Smith includes the steps of:

cutting an inlay design having at least two parts out of a first laminate sheet leaving an aperture (e.g. col. 3, line 60 through col. 4, line 8);

cutting a congruent insert having at least two parts from a second laminate sheet leaving an inlay aperture, wherein at least one of the part is placed in the inlay aperture of the first laminate sheet leaving (e.g. col. 3, line 60 through col. 4, line 8);

cutting a congruent insert having at least two parts from a third laminate sheet leaving an inlay aperture, wherein at least one of the part is placed in the inlay aperture of the first laminate sheet leaving (e.g. col. 3, line 60 through col. 4, line 8);

aligning at least one part of the congruent insert from the second laminate sheet in the inlay aperture of the first laminate sheet (e.g. col. 3, lines 68-72);

aligning at least one part of the congruent insert from the third laminate sheet in the inlay aperture of the first laminate sheet thereby filling the inlay aperture of the first laminate sheet (e.g. col. 3, lines 68-72);

securing the congruent inserts from the second and third laminate sheets in place in the aperture of the first laminate sheet (e.g. col. 5, lines 40-46);

placing the first laminate sheet with the congruent inserts from the second and third laminate sheets secured in the inlay aperture of the first laminate sheet over a core structure (e.g. col. 5, lines 52-54 and 61-63); and

laminating the first laminate sheet and the congruent inserts secured in the inlay aperture to the core structure using heat and pressure(e.g. col. 5, lines 52-54 and 61-63).

Smith discloses that the first and second sheet may be made of wood and the lamination is carried out in a conventional manner (col. 5, lines 53-54) but does not disclose the use of heat and pressure.

Simmons, Jr. discloses laminating wooden composites with the use of heat and pressure to permanently secure adjacent sheets together (e.g. abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the wood sheet of Smith to the core structure using heat and pressure as disclosed by Simmons, Jr. in order to permanently secure the layers together.

Regarding claims 25-26, Smith discloses employing different types of wood for different sheets. For example, sheet 16 may be made of light oak while sheet 17 may be walnut or other dark wood (e.g. col. 3, lines 58-63).

Regarding claims 27-28, it is the examiner's position that different types of wood, such as oak and walnut, inherently have different surface properties including different coefficient's of friction.

Regarding claim 29, Smith discloses employing the same cutting method to cut the congruent inserts and the laminate sheet materials (e.g. Figs. 4-6 and col. 4, lines 9-35).

Regarding claim 30, Smith employs a die cutter to cut the materials in a die cut operation (e.g. col. 4, lines 36-51).

Regarding claim 31, it is the examiner's position that various polymeric sheet materials, including polyethylene, polystyrene, polypropylene and polyvinylchloride, are well known and conventional in the art. These polymers inherently have good compatibility with other materials as well as good color and texture characteristics. For these reasons, it would have been obvious to one having ordinary skill in the art at the

time of the invention to employ such polymeric materials in the method of Smith in view of Simmons, Jr. described above.

Regarding claims 32-33, Smith discloses employing a unitary sheet adhered across the pattern of discrete members to retain the composite design (e.g. col. 5, lines 40-51). It is the examiner's position that various polymeric sheet materials, including polyethylene, are well known and conventional in the art. These polymers inherently have good compatibility with other materials as well as good color and texture characteristics. For these reasons, it would have been obvious to one having ordinary skill in the art at the time of the invention to employ such a polymeric sheet material in the method of Smith in view of Simmons, Jr. described above.

Regarding claim 34, Simmons, Jr. discloses employing heated bonding rolls (i.e. roll-press laminating device) 13 to bond the materials together.). It would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the wood sheet of Smith to the core structure using heat and pressure as disclosed by Simmons, Jr. in order to permanently secure the layers together.

Regarding claim 35, Smith teaches a method of making composite inlay design products. The process disclosed by Smith includes the steps of:

cutting a multipart inlay design out of a first laminate sheet creating a first set of inserts and leaving a first inlay aperture in the first laminate sheet (e.g. col. 3, line 60 through col. 4, line 8);

cutting a congruent second set of inserts from a second laminate sheet leaving a second inlay aperture in the second laminate sheet (e.g. col. 3, line 60 through col. 4, line 8);

cutting a congruent third set of inserts from a third laminate sheet leaving a third inlay aperture in the third laminate sheet (e.g. col. 3, line 60 through col. 4, line 8);

aligning at least one insert from the second set of inserts in the first inlay aperture and aligning at least one insert from the third set of inserts in the first inlay aperture (e.g. col. 3, lines 68-72);

securing the at least one insert from the second set of inserts and securing the at least one insert from the third set of inserts in place in the first inlay aperture (e.g. col. 5, lines 40-46);

placing the first laminate sheet with the inserts secured in the first inlay aperture over a core structure (e.g. col. 5, lines 52-54 and 61-63); and

laminating the first laminate sheet to the core structure using heat and pressure(e.g. col. 5, lines 52-54 and 61-63).

Smith discloses that the first and second sheet may be made of wood and the lamination is carried out in a conventional manner (col. 5, lines 53-54) but does not disclose the use of heat and pressure.

Simmons, Jr. discloses laminating wooden composites with the use of heat and pressure to permanently secure adjacent sheets together (e.g. abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the

wood sheet of Smith to the core structure using heat and pressure as disclosed by Simmons, Jr. in order to permanently secure the layers together.

Regarding claim 36, Smith discloses:

aligning at least one insert from the first set of inserts in the second inlay aperture and aligning at least one insert from the third set of inserts in the second inlay aperture (e.g. col. 3, lines 68-72);

securing the at least one insert from the first set of inserts and securing the at least one insert from the third set of inserts in place in the second inlay aperture (e.g. col. 5, lines 40-46);

placing the second laminate sheet with the inserts secured in the second inlay aperture over a core structure (e.g. col. 5, lines 52-54 and 61-63); and

laminating the first laminate sheet to the core structure using heat and pressure(e.g. col. 5, lines 52-54 and 61-63).

Regarding claim 37, Smith discloses:

aligning at least one insert from the first set of inserts in the third inlay aperture and aligning at least one insert from the second set of inserts in the third inlay aperture (e.g. col. 3, lines 68-72);

securing the at least one insert from the first set of inserts and securing the at least one insert from the second set of inserts in place in the third inlay aperture (e.g. col. 5, lines 40-46);

placing the third laminate sheet with the inserts secured in the third inlay aperture over a core structure (e.g. col. 5, lines 52-54 and 61-63); and

laminating the first laminate sheet to the core structure using heat and pressure(e.g. col. 5, lines 52-54 and 61-63).

Regarding claims 38-39, Smith discloses employing different types of wood for different sheets. For example, sheet 16 may be made of light oak while sheet 17 may be walnut or other dark wood (e.g. col. 3, lines 58-63).

Regarding claims 40-41, it is the examiner's position that different types of wood, such as oak and walnut, inherently have different surface properties including different coefficient's of friction.

Response to Arguments

3. Applicant's arguments with respect to claims 1-18 and 24-41 have been considered but are moot in view of the new ground(s) of rejection.

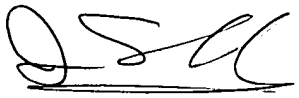
Telephone/Fax

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday between 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Conclusion

5. Accordingly, this action is made non-final.



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